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43. The method of claim 31, wherein a lottery ticket purchase transaction can only be engaged in while a consumer is engaged in conducting the fuel transaction step.

44. The method of claim 31, further comprising the step of authorizing a lottery ticket purchase transaction by an operator.

45. The method of claim 44, wherein the authorizing step is based upon an age of the customer....

REMARKS

The Office Action of April 12, 2002 has been reviewed and the Examiner's comments carefully considered. The present Amendment cancels claims 1-20 and adds new claims 21-45 in accordance with the originally filed specification. Claims 21-45 remain in this application.

Claims 21-37 have been copied from U.S. Patent No. 6,364,206 to Keohane and correspond to claims 1-4, 6, 7, 9-12, 31-33, 35-37 and 39 of the Keohane patent. Consequently, claims 21-37 are presumed to be valid over the remaining prior art. The claims have been copied for the purpose of invoking an interference proceeding with the Keohane patent. Applicant conceived the present invention well before the filing date of the Keohane patent, namely January 19, 2000.

Claims 21-37 find support in paragraphs 15-29 of the present application, as published on November 29, 2001 at Publishing No. U.S. 2001/0045456. The present application was filed on February 1, 2001 and claims priority to Provisional Application No. 60/179,821, filed on February 2, 2000.

An interference should be initiated, which should award claims 1-4, 6, 7, 9-12, 31-33, 35-37 and 39 of the Keohane patent to the present Applicant. Proposed interference counts are as follows:

1. The present application contains patentable claim 21. U.S. Patent No. 6,364,206 contains patentable claim 1. If an interference is declared, there will be one count in which claim 21 of the present application and claim 1 of U.S. Patent No. 6,364,206 will be designated to correspond to the count.

2. The present application contains patentable claim 22. U.S. Patent No. 6,364,206 contains patentable claim 2. If an interference is declared, there will be one count in which claim 22 of the present application and claim 2 of U.S. Patent No. 6,364,206 will be designated to correspond to the count.

3. The present application contains patentable claim 23. U.S. Patent No. 6,364,206 contains patentable claim 3. If an interference is declared, there will be one count in which claim 23 of the present application and claim 3 of U.S. Patent No. 6,364,206 will be designated to correspond to the count.

4. The present application contains patentable claim 24. U.S. Patent No. 6,364,206 contains patentable claim 4. If an interference is declared, there will be one count in which claim 24 of the present application and claim 4 of U.S. Patent No. 6,364,206 will be designated to correspond to the count.

5. The present application contains patentable claim 25. U.S. Patent No. 6,364,206 contains patentable claim 6. If an interference is declared, there will be one count in which claim 25 of the present application and claim 6 of U.S. Patent No. 6,364,206 will be designated to correspond to the count.

6. The present application contains patentable claim 26. U.S. Patent No. 6,364,206 contains patentable claim 7. If an interference is declared, there will be one count in which claim 26 of the present application and claim 7 of U.S. Patent No. 6,364,206 will be designated to correspond to the count.

7. The present application contains patentable claim 27. U.S. Patent No. 6,364,206 contains patentable claim 9. If an interference is declared, there will be one count in which claim 27 of the present application and claim 9 of U.S. Patent No. 6,364,206 will be designated to correspond to the count.

8. The present application contains patentable claim 28. U.S. Patent No. 6,364,206 contains patentable claim 10. If an interference is declared, there will be one count in which claim 28 of the present application and claim 10 of U.S. Patent No. 6,364,206 will be designated to correspond to the count.

9. The present application contains patentable claim 29. U.S. Patent No. 6,364,206 contains patentable claim 11. If an interference is declared, there will be one count in which claim 29 of the present application and claim 11 of U.S. Patent No. 6,364,206 will be designated to correspond to the count.

10. The present application contains patentable claim 30. U.S. Patent No. 6,364,206 contains patentable claim 12. If an interference is declared, there will be one count in which claim 30 of the present application and claim 12 of U.S. Patent No. 6,364,206 will be designated to correspond to the count.

11. The present application contains patentable claim 31. U.S. Patent No. 6,364,206 contains patentable claim 31. If an interference is declared, there will be one count in which claim 31 of the present application and claim 31 of U.S. Patent No. 6,364,206 will be designated to correspond to the count.

12. The present application contains patentable claim 32. U.S. Patent No. 6,364,206 contains patentable claim 32. If an interference is declared, there will be one count in which claim 32 of the present application and claim 32 of U.S. Patent No. 6,364,206 will be designated to correspond to the count.

13. The present application contains patentable claim 33. U.S. Patent No. 6,364,206 contains patentable claim 33. If an interference is declared, there will be one count in which claim 33 of the present application and claim 33 of U.S. Patent No. 6,364,206 will be designated to correspond to the count.

14. The present application contains patentable claim 34. U.S. Patent No. 6,364,206 contains patentable claim 35. If an interference is declared, there will be one count in which claim 34 of the present application and claim 35 of U.S. Patent No. 6,364,206 will be designated to correspond to the count.

15. The present application contains patentable claim 35. U.S. Patent No. 6,364,206 contains patentable claim 36. If an interference is declared, there will be one count in which claim 35 of the present application and claim 36 of U.S. Patent No. 6,364,206 will be designated to correspond to the count.

16. The present application contains patentable claim 37. U.S. Patent No. 6,364,206 contains patentable claim 39. If an interference is declared, there will be one count in which claim 37 of the present application and claim 39 of U.S. Patent No. 6,364,206 will be designated to correspond to the count.

This amendment meets the requirements of 35 U.S.C. § 135(b), in that it has been filed less than one year from the issue date of U.S. Patent No. 6,364,206 to Keohane, issued April 2, 2002.

Claims 38-45 have also been added to the present application. The Examiner has rejected old claims 1-20 of the present application under 35 U.S.C. § 102(e) for alleged anticipation by the Keohane patent. In view of the following remarks, Applicant respectfully submits that the subject matter of claims 38-45 is patentably distinct and distinguishable from the subject matter of the Keohane patent.

An important aspect of a combined fuel dispensing and lottery ticket purchase system is the ability to efficiently engage in both transactions without undue delay. For example, in the Keohane patent, a customer or consumer can initiate a lottery ticket purchase transaction without first initiating the fuel dispensing transaction. This means that a customer could simply walk up to a fuel pump and engage in a lottery ticket transaction, while preventing a car from driving up and refueling. Similarly, if a customer is allowed to engage in a lottery ticket purchase transaction after fuel dispensing is complete, the same problem will occur. In effect, a customer could remain at the fuel pump after fueling and purchase lottery tickets, again preventing the flow of business and traffic through the pump area of the gas station.

Therefore, the Keohane patent neither hints nor suggests a fuel dispensing system or method, where the lottery ticket purchase transaction can only be engaged in after a fuel dispensing transaction has been initiated, as claimed in dependent claims 38 and 42 of the present application. Further, the Keohane patent neither hints nor suggests a fuel dispensing system or method, where the lottery ticket purchase transaction can only be engaged in while fuel is being dispensed from the fuel dispenser, as claimed in dependent claims 39 and 43 of the present application. For the foregoing reasons, new dependent claims 38, 39, 42 and 43 are neither anticipated by or rendered obvious over the Keohane patent.

Another important aspect of the present invention is operating control of the control system. Part of this operator control allows the operator to authorize a lottery ticket purchase transaction. Typically, such authorization is based upon the age of a customer engaged in the lottery ticket purchase transaction. Since there are age limitations on the legal ability to purchase a lottery ticket, this would allow the fuel dispensing system or method to operate within the bounds of the law, based upon the operator's authorization. Therefore, the Keohane patent neither hints nor suggests a fuel dispensing system or method, where a lottery ticket purchase transaction is authorized by an operator of the control system, as claimed in

dependent claims 40 and 44 of the present application. In addition, the Keohane patent neither hints nor suggests a fuel dispensing system and method, wherein the authorization is based upon an age of a customer engaged in the lottery ticket purchase transaction, as claimed in dependent claims 41 and 45 of the present application. For the foregoing reasons, dependent claims 40, 41, 44 and 45 are not anticipated by or rendered obvious over the Keohane patent.

An Indication of favorable action on claims 38-45 and a declaration of interference for claims 21-37 is respectfully requested.

Respectfully submitted,

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